

Exhibit 2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS, TYLER DIVISION

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THE DAILY WIRE, LLC;	:	
	:	
FDRLST MEDIA, LLC; and	:	
	:	
THE STATE OF TEXAS, by and through its	:	
Attorney General, Ken Paxton,	:	
	:	
Plaintiffs,	:	Case No. 6:23-cv-00609 (JDK)
	:	
-against-	:	
	:	
DEPARTMENT OF STATE;	:	
	:	
GLOBAL ENGAGEMENT CENTER;	:	
	:	
ANTONY BLINKEN, in his official capacity	:	
as Secretary of State;	:	
	:	
LEAH BRAY, in her official capacity as	:	
Deputy Coordinator of the State	:	
Department's Global Engagement Center;	:	
	:	
JAMES P. RUBIN, in his official capacity as	:	
Coordinator for the Global Engagement	:	
Center of the State Department;	:	
	:	
DANIEL KIMMAGE, in his official capacity	:	
as the Principal Deputy Coordinator for the	:	
Global Engagement Center at the State	:	
Department;	:	
	:	
ALEXIS FRISBIE, in her official capacity as	:	
Senior Technical Advisor of the Technology	:	
Engagement Team for the Global	:	
Engagement Center at the State Department;	:	
	:	
PATRICIA WATTS, in her official capacity	:	
as the Director of the Technology	:	
Engagement Team at the Global Engagement	:	
Center at the State Department,	:	
	:	
Defendants.	:	
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**DECLARATION OF MATTHEW SKIBINSKI IN OPPOSITION TO PLAINTIFFS’
MOTION FOR PRELIMINARY INJUNCTION**

I, Matthew Skibinski, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I submit this declaration in opposition to Plaintiffs’ motion for a preliminary injunction.

2. I am the General Manager of NewsGuard Technologies, Inc. (“NewsGuard”). I am a member of NewsGuard’s founding team, having worked at NewsGuard since we launched in 2018. In my role as General Manager, I help lead NewsGuard’s operations and overall strategy.

3. NewsGuard was founded by veteran journalists and media executives Gordon Crovitz and Steven Brill and launched in 2018 with the aim of providing news consumers with detailed assessments of the reliability of news sources they might encounter on the Internet.

4. NewsGuard is a for-profit organization. For news consumers, it sells a browser extension that provides ratings and reviews of the reliability of different news sources next to links users encounter on social media sites or search engines. (Users must proactively choose to download and subscribe to this browser extension in order to see the ratings.) In addition, as set forth on NewsGuard’s website, which also lists all of its outside investors in descending order of their ownership interest, NewsGuard’s revenue comes from Internet Service Providers, browsers, search engines, social platforms, education providers, advertising agencies, brand safety providers, researchers, and others paying to use NewsGuard’s ratings and Nutrition Labels and associated data. Put differently, most of NewsGuard’s revenue comes from licensing its data about news sources and narratives to private-sector companies. Revenue from the United States government or other government entities in Western democracies licensing NewsGuard data about state-sponsored disinformation represents a small fraction of NewsGuard’s annual revenues.

Nutrition Labels

5. Following extensive consultation with journalists and media consultants, NewsGuard developed a methodology for rating the credibility of news sources based on nine basic, apolitical criteria of journalistic practice: (1) whether a publication repeatedly publishes egregiously false information; (2) whether a publication presents information responsibly, for example, by referencing multiple sources including those with first-hand information on a subject or event; (3) whether the site transparently acknowledges errors and regularly publishes clarifications and corrections; (4) whether a publication distinguishes between news and opinion; (5) whether a publication publishes significantly sensationalized or otherwise deceptive headlines; (6) whether the site discloses in a user-friendly manner its ownership and/or financing; (7) whether paid advertising is clearly labeled as such; (8) whether readers are told who is in charge of deciding the content on the site and given a way to contact the site about editorial issues; and (9) whether the names and contact information or biographical information about the content creators are clearly indicated. These criteria are apolitical and based on widely accepted journalistic standards, and are posted publicly on NewsGuard's website with detailed definitions for each.

6. Each criterion is worth a certain number of points out of 100, with the criteria weighted based on importance. Sites earn the associated points for any criteria they pass, and the sum of those points constitutes the site's trust score on a scale of 0-100.

7. NewsGuard hired a team of journalists and editors from respected, nonpartisan news outlets to research each site, contact sources, review content, and assess whether the site passes or fails each of the nine criteria. These findings are captured in a detailed report about the site's rating, which we call a "Nutrition Label." Nutrition Labels list NewsGuard's assessment for each of the nine criteria and provide detailed explanations and evidence supporting those

assessments. Nutrition Labels also include background information on each site's ownership, content, and history.

8. If a NewsGuard analyst believes that a site may fail one or more of the nine criteria, NewsGuard contacts the owner of the website to give them an opportunity to rectify or comment on any issues raised in NewsGuard's review. More than 2,000 publishers have improved their NewsGuard score by improving their credibility or transparency practices after engaging with NewsGuard's team through this process.

9. Nutrition Labels are reviewed, edited, and fact-checked by multiple editors. Before being published, each Nutrition Label is shared with the full staff of analysts and the Co-CEOs, who each sign off on the rating before it is published. Once the rating is published, all of the details—including who at NewsGuard worked on the rating, how determinations were made, how each criterion is defined, what evidence supports each criterion determination, and any comments from the publication—are shared with the publisher and made available to NewsGuard clients and through NewsGuard's browser extension to NewsGuard users. The entire rating process and rationale are, therefore, completely transparent.

10. NewsGuard's analysts are rigorously apolitical in their review, which is reflected in the fact that, according to our data, a nearly equal number of left- and right-leaning websites score above 60 points, which is the bar above which we begin to refer to sites as "credible" (even if we note some exceptions to this). For example, among "conservative" media outlets, The Washington Examiner has 92.5 points and other prominent "conservative" websites such as Fox News, The Daily Caller, The Western Journal, Commentary Magazine, The National Review, and the website of the Heritage Foundation all are labeled as generally credible in our ratings and reviews.

11. Ratings are updated periodically, typically about once per year, though the precise schedule depends on a number of factors.

12. Clients use our ratings in various ways across many different industries. In the advertising industry, the most common use case we hear about is from advertisers who are reluctant to advertise on news content of any kind for fear of placing their ads on news content that would undermine their brand in the eyes of consumers. This concept—that ad placements adjacent to certain types of content may tarnish the brand in some consumers’ eyes—is called “brand safety,” and blocking ad placements on content that brands determine does not match their marketing goals (for example, pornographic content or violent content) is a common practice in the advertising industry. There are dozens of companies that provide advertisers with different kinds of brand-safety services aimed at ensuring their ads appear on content that match their brand-safety goals, and many advertisers use these services to block any advertising placements on any kind of news content. Marketers who license NewsGuard for Advertising often instead use our ratings to identify news publications that are more likely to present environments that match their brand’s content standards—thereby sending advertising dollars to those news websites when the brand may otherwise have avoided placing ads on those sites. Other advertisers use our ratings to decide which publications might not match their brand-safety guidelines and, thus, should not be targeted for advertisements. Different brands and advertisers have different brand-safety standards and therefore use our ratings data in different ways. For example, some brands use a bar of 60 points, while others may focus on specific criteria a site must pass or use other information we collect, such as data about the geographic area or news topics a site focuses on, in deciding where they place their ads. In all cases, these decisions are entirely up to the advertiser.

13. Due to the politicized media landscape in the United States, it was critical from the start that NewsGuard's rating criteria did not favor any political opinion over another. NewsGuard's success is based on trust in its neutrality, coupled with NewsGuard's commitment to the greatest possible transparency and its responsible approach to correcting and updating its ratings.

14. When NewsGuard first published its Nutrition Labels on August 23, 2018, it included ratings of both The Daily Wire and The Federalist. It continued to expand its number of ratings and, by the time it began work on the project funded by the State Department's Global Engagement Center ("GEC") in late October 2020, NewsGuard had already published ratings covering 6,043 domains, representing 97% of online engagement with news in the United States at that time.

15. Today, NewsGuard's Nutrition Labels cover more than 10,000 websites that account for 95% of engagement with news in the United States, the United Kingdom, Canada, Germany, France, Italy, Austria, Australia, and New Zealand. The ratings are licensed to internet service providers, advertising companies, news aggregators, education companies, and social media and search platforms, and are made available to individual consumers who can purchase a subscription to NewsGuard that includes a browser extension.

Misinformation Fingerprints

16. In 2020, NewsGuard introduced a new, separate product called "Misinformation Fingerprints." Misinformation Fingerprints is a human- and machine-readable catalog of the significant false claims circulating online, with a focus on state-sponsored false narratives from Russia, China, and Iran. Updated daily, Misinformation Fingerprints is the most comprehensive catalog ever created of provably false narratives circulating online. For each false claim,

NewsGuard's journalists provide information from credible, often primary sources explaining why the claim is false, along with details about where and when the false claim originated, variations of the false claim, and example statements of the claim in multiple languages and from different countries. The details of how NewsGuard determined that each claim is false and the precise evidence backing up that determination are provided in a written report so that users of the Misinformation Fingerprints can make their own determinations as to the claim's veracity if they wish. The Misinformation Fingerprints product does not rate the credibility of news publishers and is not used to direct the placement of advertisements.

17. Like the Nutrition Labels, the Misinformation Fingerprints product was created independently by NewsGuard; neither GEC nor the Cyber National Mission Force ("CNMF") nor any other government agency was involved in its development.

18. The Misinformation Fingerprints product is licensed to cyberdefense firms, reputation management firms, and researchers, as well as to the defense and intelligence communities seeking to understand and to counter hostile information operations by Russia, China, Iran, and other governments hostile to the U.S. and its democratic allies.

19. Some social media platforms and technology companies also license the Misinformation Fingerprints data as an independent, transparent third-party source of information about false information spreading online. For example, the Ethos Network, a social media app targeting Gen-Z users, integrated Misinformation Fingerprints into its user interface, enabling users to verify the content of their posts before publishing them.

20. NewsGuard also works with generative AI companies to audit the propensity of their models to spread false claims and to better train AI models to provide trustworthy responses on prompts related to news topics.

NewsGuard's Relationship to the Global Engagement Center

21. On June 10, 2020, NewsGuard applied to the Countering Disinformation Challenge, a contest offered jointly by the State Department and the Department of Defense's National Security Innovation Network ("NSIN"). The challenge sought innovative tools to identify misinformation and disinformation online in near real time, in response to Russia's and China's efforts to promote COVID-19 disinformation. On July 31, 2020, NewsGuard learned that it was selected as a winner—alongside PeakMetrics, which offers a dashboard for tracking mentions of a topic across media channels, and Omelas, which visually maps online information. As one of the winners, NewsGuard received \$25,000 to conduct a pilot in collaboration with the State Department's GEC and in support of the Department of Defense's CNMF.

22. NewsGuard's work with the GEC and the CNMF was coordinated by Christina Nemr at Park Advisors, a small firm that manages public-private projects, particularly relating to combating violent extremism and disinformation.

23. Throughout the Complaint, Plaintiffs falsely describe NewsGuard's news source rating system as "government-funded." *See* ECF-1 ¶¶ 4, 119. Not so. NewsGuard's Nutrition Labels ratings product, which included its ratings of the plaintiffs' websites, was launched in August of 2018—two years before NewsGuard first worked with the GEC or received any government revenue.

24. The Complaint also claims that "the State Department Defendants assisted [NewsGuard] . . . to further develop and refine their media censorship technology, including censorship technology that targets the domestic press and domestic speech." ECF-1 ¶ 94. This, too, is false. NewsGuard's Nutrition Labels ratings product is not accurately described as "media

censorship technology,” and the State Department had no role in developing it, nor did any other government agency.

25. The Complaint states that the technology NewsGuard provided for the project “relied on [NewsGuard’s] ratings of news websites, including of American media outlets, such as Media Plaintiffs.” ECF-1 ¶ 146. This is false. Instead, from the beginning of the discussions between NewsGuard, the GEC, the CNMF, and Park Advisors, it was agreed and understood that the scope of the project was limited to monitoring foreign state-sponsored sources of disinformation—with no focus on domestic news sources.

26. For example, on October 6, 2020, NewsGuard received an initial draft scope document for the pilot from Nemr that stated: “These tests will provide evaluation and visualization of trends in state sponsored information and will be a collaboration between three companies: PeakMetrics, Omelas, and NewsGuard. During the course of the tests, all three companies will take care to minimize data collection on U.S. Persons, **focusing primarily on tracking foreign adversarial actors and narratives.**” (emphasis added).

27. On October 30, 2020, NewsGuard agreed to a Statement of Work for the project following discussions with Nemr. This Statement of Work was included in our contractual agreement and also made clear that the project was limited only to state-sponsored disinformation and did not cover information related to domestic news sources. The Statement of Work described the “Deliverables to Be Provided by the Service Provider” as follows:

A series of reports that will help the GEC, USCYBERCOMMAND, and relevant partners better understand the origins, content, and spread of state-sponsored disinformation campaigns. . . . The focus of the reports will vary based on emerging events but will include insights on the following to the extent possible, tracking over time: 1) Which states are actively pushing certain narratives ahead of and after the 2020 U.S. elections with an aim to undermine the U.S.? (with an initial focus on examining Chinese and Russian state media) 2) What are these key narratives being amplified? 3) What broader disinformation themes and content are being pushed by China and Russia?

28. The same week, Nemr further clarified the limited scope of the grantees' work by noting in two emails sent to all three companies that the monitoring should be focused on a specific set of Chinese and Russian state media sources. The first email, sent October 29, 2020, indicated that the Chinese "entities of interest" were "Global Times, Xinhua News, The People's Daily, CCTV News, [and] Witianxia," all Chinese state-sponsored media outlets.

29. In a November 3, 2020, follow-up note, Nemr specified that the Russian outlets to monitor were the Strategic Culture Foundation, Inforus.ru, Infosco.org, Inforbrigs.org, and Oneworld.press. At our suggestion, we also added two other Russian state media sources, RT.com and Sputniknews.com, to the list we would monitor.

30. Nemr's November 3, 2020, email also specified the key questions for each of the companies: "What narratives is Russian govt/Russian backed media producing for US consumption?," "Where is misinformation / disinformation produced for US consumption?" "Who is producing the content?" "Can the production and dissemination chain of information be mapped out?" Notably, those questions did not include anything about any activities undertaken by U.S. persons or news outlets. Rather, I understood all of these questions to relate to disinformation being produced, as the first question stated, by the Russian government and Russian-backed media. Subsequent discussions with the stakeholders from GEC and CNMF confirmed this understanding.

31. The project proceeded as follows: There were regular (approximately weekly) calls with representatives from the three companies and from GEC and CNMF. Ahead of the calls, each company would send a brief report about their findings from monitoring Russian and Chinese state media. The participants on the call would occasionally ask questions, the most common of which was whether we could identify whether state media had originated a particular false narrative or was just amplifying a narrative that already had appeared online.

32. At no point, in my recollection, were any domestic media sources discussed in the context of mis- or disinformation, nor did any of our reports mention anything about the credibility or possible publication of misinformation by domestic media sources. We also received copies of the other companies' weekly reports, none of which to my recollection focused on or mentioned anything about domestic news sources.

33. After the project was completed, NewsGuard had no relationship and little, if any, interaction with anyone from the Global Engagement Center or Park Advisors until about eleven months later in December of 2021, when we applied to a "call for submissions" from the GEC's Technology Engagement Team to test capabilities related to content authentication technology. The email from Nemr alerting us and others of the call for submissions made it clear that the project was focused exclusively on applications of technology to foreign disinformation, describing the mission as to "recognize, understand, expose, and counter foreign state and foreign non-state propaganda and disinformation efforts aimed at undermining or influencing the policies, security, or stability of the US, its allies, and partner nations." In most cases, the term "content authentication technology" refers to technology that automatically detects whether images or video content are authentic or fabricated in some way. Though we do not offer content authentication technology ourselves, we submitted a proposal for testing whether our source ratings or Misinformation Fingerprints data, when combined with content authentication technologies that already exist in the market, could enhance results. Our proposal was accepted and we signed an agreement for \$50,000 based on this premise, with the goal being for us to work with two content-authentication technology providers to see how our data could enhance results. However, as we and our contact at the GEC explored how the project could proceed, we and they determined that a better course than the tests with the two technology providers would be to rescope the project to

focus on a single test of just NewsGuard's capabilities. Thus, we never completed the work described in that initial statement of work and instead agreed to look for alternative options for capability testing focused specifically on our Misinformation Fingerprints. Through that process, we were introduced to the State Department's Venezuela Affairs Unit ("VAU"), which was interested in whether our data could help trace Russian state-sponsored false narratives spreading in Latin America through Venezuelan media outlets. After many discussions with the VAU we proceeded with this project, which we described publicly in a press release at the time. As the press release notes, this work involved NewsGuard monitoring "30 Venezuelan domains that regularly spread Kremlin-sponsored disinformation" and "25 additional news and information websites with high readership throughout Latin America – including Spanish publications owned and operated by authoritarian governments such as Russia and Iran and websites operating from other Latin American countries." The project did not involve any rating or monitoring of U.S.-based news outlets, including the plaintiffs' websites, which to my knowledge do not cover Venezuela.

34. As with the 2020 project, during the Venezuela-focused project, we did not complete any ratings of news sources for this project, nor did we provide our ratings of news sources as part of the project. At no point during the VAU project were any U.S.-based media sources discussed in the context of mis- or disinformation.

35. James Rubin, the head of the Global Engagement Center, was recently quoted in The Guardian as defining the GEC's mission in this regard as follows: "We want to promote more fact-based information, but at the same time find ways to label those information operations that are generated by the Chinese government or the Kremlin but to which they don't admit. In the end that is all I know we can do right now without interfering with a free press. We are not asking for

such covert disinformation to be taken down but a way to be found for the source to be labelled.” That is exactly the way in which NewsGuard attempted to assist the GEC—not to judge news sources or censor them, but to identify hostile-state interference with news dissemination.

The Independence of NewsGuard’s Ratings

36. Plaintiffs’ claims are built on the false premise that the State Department and GEC are “actively intervening in the news-media market to render disfavored press outlets unprofitable by funding the infrastructure, development, and marketing and promotion of censorship technology and private censorship enterprises to covertly suppress speech of a segment of the American press.” ECF-1 ¶ 1. During the course of the project, however, nobody at Park Advisors, NSIN, GEC, the United States Cyber Command, CNMF, PeakMetrics, or Omelas aided, assisted, helped, or otherwise took any action to improve or develop NewsGuard’s website ratings.

37. During NewsGuard’s work with GEC, no ratings of any news sources were commissioned, requested, funded, paid for, or otherwise completed as a part of a grant project. Nor was the concept of rating any news sources or providing NewsGuard’s ratings to GEC or CNMF part of the agreed Statement of Work for either project. Again, as set forth above, NewsGuard rated both The Daily Wire and The Federalist two years before it received the GEC grant in 2020. Furthermore, at no point did GEC or CNMF in any way direct or instruct us to debunk any specific narrative, nor did they in any way instruct, inform, or direct our monitoring of news sources, beyond pointing us to the lists of foreign state-sponsored media sources to monitor.

38. To highlight the absurdity of Plaintiffs’ allegations, during the period of the first grant project, The Daily Wire’s NewsGuard score actually *increased* by 7.5 points. In addition, from August 2021 to November 2023, which covers the entire period during which the Venezuela

project was completed, the site achieved a score of 69.5. Our rating scale describes any site with a score above 60 as credible, and many advertisers using our data choose to use a score of 60 as their threshold to advertise on a news site—though, as previously noted, that decision is up to each advertiser. Thus, because The Daily Wire achieved a score above 60 for most of the time following the start of our work with the GEC, it is likely that during that period The Daily Wire would have received *more*, not *less*, advertising revenue as a result of decisions advertisers made based on its NewsGuard score.

39. The Federalist’s NewsGuard rating has stood at 12.5 points out of 100 since 2018, and The Daily Wire’s rating fell below the 60-point threshold in November of 2023, which the complaint implies is the result of the sites’ content being considered “disfavored speech” by the U.S. government. This is false. Instead, the sites receive low scores because NewsGuard’s review of their content and transparency practices found that they do not meet NewsGuard’s standard for many of our nine criteria. For example, NewsGuard’s review of The Daily Wire’s content in January of 2024 found that “the website publishes podcast episodes on its site that have advanced misleading or inaccurate information,” and its most recent review of The Federalist found the site “has repeatedly published false information.” Nobody from the GEC, CNMF, or any other government agency was in any way involved in these determinations, and our Nutrition Labels for each site list numerous examples backing up our findings. While the plaintiffs claim that these supposedly government-directed determinations led to them losing advertising revenue, if they did indeed lose such revenue, it is due not to the government’s actions but to their own. For example, there are many large advertisers that would find the recent podcast published on The Daily Wire website and podcast feed, in which The Daily Wire writers claim that former first lady Michelle Obama is secretly a man, to be content they would not want their brand associated with—and

within the free market of digital media, it is entirely within their rights to choose not to advertise on such content.

40. Another illustration of the absurdity of the plaintiffs' claims is the fact that, while the complaint claims both NewsGuard and GDI were de facto government actors censoring views disfavored by the GEC, NewsGuard's and GDI's ratings differ significantly on their assessments of major news outlets. The complaint references a list published by GDI naming the ten "riskiest" publishers in America, all of which were conservative news outlets. However, the complaint does not mention that NewsGuard's ratings of these outlets were starkly different from GDI's: Seven of the ten news outlets on GDI's list were rated as credible by NewsGuard. Some, like the libertarian magazine Reason, have received perfect 100% reliability scores from NewsGuard. If the GEC were directing GDI and NewsGuard's ratings as a covert means to censor certain views, one would expect that our two companies' ratings would more closely align. In reality, we vigorously compete with GDI and have strong differences of opinion about the best way to rate news outlets fairly and accurately.

41. Finally, while the complaint refers to NewsGuard's products as "censorship technology," NewsGuard does not censor any content, nor is our primary product technology. Instead, we provide users and clients with information and journalistic reporting—in the form of apolitical ratings and reviews of news sources and analyses and debunks of false narratives—to equip them to make their own decisions about news they encounter online. Indeed, NewsGuard offers platforms, search engines, internet users, and others an alternative to blocking or censoring content that may contain misinformation. By providing transparent, detailed information that allows news consumers to assess the credibility of information sources for themselves, NewsGuard

was created to be an alternative to the problems inherent in having large technology companies block particular content or accounts entirely.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct.

Executed on March 15, 2024

A handwritten signature in black ink, appearing to read "Matthew Skibinski", written over a horizontal line.

Matthew Skibinski